

1 **EXHIBIT A**

2  
3 **40.260.100 HOME BUSINESSES**

4  
5 **A. Purpose.** The purpose of this section is to protect the integrity of zoning districts of  
6 Clark County while allowing the use of property for home businesses. This section  
7 establishes approval criteria and standards to ensure that home businesses are 1) conducted as  
8 lawful uses that allow for economic development compatible with the use of neighboring  
9 properties, and 2) secondary to the use of the dwelling for living purposes and maintain  
10 residential character of the neighborhood.  
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12  
13 **B. Applicability and Exemptions**

- 14  
15 1. Applicability. All home businesses not exempt pursuant to this section shall be subject to  
16 the standards specified in this section. A rural home business is located in a zoning  
17 district outside an urban growth boundary. An urban home business is located in a  
18 zoning district inside an urban growth boundary but outside of any city limits.  
19  
20 2. Exemptions. The following uses are exempt from the provisions of this section:  
21 a. Lawfully established home occupations established prior to June 15, 2004;  
22 b. Agriculture and forest uses;  
23 c. Hobbies not engaged in for financial gain; and  
24 d. Parking of no more than one business vehicle with a GVW of 9,000 pounds or  
25 less used by a resident for transportation to and from the dwelling.  
26  
27 3. Uses otherwise allowed outright, as a conditional use, or by review and approval in the  
28 district in which the property is located cannot be approved under this section.  
29

30 **C. Definitions**

- 31  
32 1. Activity area. See “home business activity area.”  
33  
34 2. Heavy equipment. “Heavy equipment” means any free-standing piece of equipment with  
35 a gross vehicle weight of 15,000 pounds (as defined by the manufacturer) or greater that  
36 is used for the purpose of a home business and that is typically transported to a job site by  
37 a vehicle. The term shall include equipment that is motorized or non-motorized,  
38 stationary, or self-propelled. Tools or pieces of machinery that are permanently located  
39 within an accessory structure shall not be counted as heavy equipment for the purposes of  
40 this section.  
41  
42 3. Home business. “Home business” means a business in conjunction with a residential use  
43 which results in financial remuneration from a product or service and is conducted by at  
44 least one resident occupying the dwelling on the subject property.  
45

- 1 4. Home business activity area. "Home business activity area" (hereafter "activity area")  
2 means a defined outside area used in conjunction with a home business that includes all  
3 outside activities associated with the home business, including, but not limited to parking  
4 areas used for business vehicles and equipment, areas used for loading and unloading,  
5 worker or client parking areas, and areas used for outdoor storage.  
6
- 7 5. Incidental retail sales. "Incidental retail sales" means retail sales that are ancillary and  
8 secondary to the home business, such as selling shampoo from a home hair salon.  
9
- 10 6. Outdoor Storage. "Outdoor storage" means the outdoor holding of any materials or  
11 merchandise, whether covered or uncovered, used or associated with a home business.  
12
- 13 7. Trailer. A "trailer" is a non-motorized vehicle that is licensed for road use that is used  
14 exclusively, or in part, for the purpose of a home business. Trailers equipped by the  
15 manufacturer as combination tractor-trailers shall not be counted as a separate trailer, but  
16 shall be considered together with their tractor a part of a single vehicle.  
17
- 18 8. Vehicle. For the purposes of this ordinance, "vehicle" means any motorized vehicle  
19 licensed for road use that is used exclusively, or in part, for the purpose of a home  
20 business. A vehicle equipped by the manufacturer to serve as a combination tractor-trailer  
21 shall be counted as a single vehicle.  
22

#### 23 **D. General Standards and Provisions**

24  
25 The following standards and provisions shall apply to all home businesses in Clark County:  
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- 27 1. Home businesses shall be owned and operated by a resident owner or renter of the  
28 property who occupies the property as their principal residence.  
29
- 30 2. A home business permit may cover more than one business on a parcel as long as such  
31 businesses in combination do not exceed the applicable standards in this section.  
32
- 33 3. The maximum use of a dwelling devoted to a home business shall not exceed 25 percent  
34 of the gross floor area of the dwelling or exceed 1,000 square feet, whichever is less.  
35 Gross floor area includes a basement and attached garage, but does not include an  
36 unfinished attic or a detached garage. Additional standards for accessory structures  
37 (including detached garages) are included in Subsections (E), (F) and (G).  
38
- 39 4. One sign related to the home business of two square feet or less is allowed. A separate  
40 sign permit is not needed if included with the home business permit application.  
41
- 42 5. Prohibited uses include on-site retail (other than incidental), adult entertainment  
43 enterprises as defined in CCC Chapter 5.45, automotive recyclable materials facilities,  
44 and, in urban areas, new facilities for servicing motor vehicles.  
45

- 1 6. Storage of heavy equipment and material is allowed outside only in activity areas.  
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3

4 **E. Home Businesses--Exempt**  
5

- 6 1. Home businesses that meet the standards in Subsection (D) and the following  
7 standards are exempt from review by the county:  
8 a. In urban areas:  
9 1) No use of accessory structures for the home business;  
10 2) Maximum of two employees who come to the home business location, with one  
11 parking space on-site for each non-resident employee;  
12 3) No customers that come to the home business location;  
13 4) No outside storage;  
14 5) No heavy equipment; no more than one home business-related vehicle;  
15 6) No on-site retail sales.  
16 b. In rural areas:  
17 1) Use of up to 400 square feet of an accessory structure;  
18 2) Maximum of two employees who come to the home business location, with  
19 one parking space on-site for each non-resident employee;  
20 3) No customers that come to the home business location;  
21 4) No outside storage;  
22 5) No heavy equipment; no more than one home business-related vehicle;  
23 6) No on-site retail sales.  
24  
25 2. There is no minimum lot size for exempt home businesses.  
26  
27 3. Two or more exempt home businesses on the same parcel shall require a Type I or  
28 Type II permit if the combined features of each business exceed the exempt standards.  
29  
30

31 **F. Home Businesses—Minor.**  
32

- 33 1. Home businesses that meet the standards in Subsection (D) and the following standards  
34 shall qualify as minor home businesses:  
35 a. In urban areas:  
36 1) Use of up to 400 square feet of an accessory structure;  
37 2) Maximum of two non-resident employees who come to the home business  
38 location, with one additional parking space on-site for each non-resident  
39 employee;  
40 3) Customers: up to six (6) on-site customers per day;  
41 4) No outside storage;  
42 5) No heavy equipment; no more than one home business-related vehicle;  
43 6) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;  
44 7) Incidental on-site retail sales only.  
45 b. In rural areas:  
46 1) Use of up to 1000 square feet of an accessory structure;

- 2) Maximum of three non-resident employees who come to the home business location, with one additional parking space on-site for each non-resident employee;
  - 3) Customers: up to six (6) on-site customers per day;
  - 4) No outside storage;
  - 5) Vehicles/heavy equipment: no more than two home business-related vehicles and two pieces of heavy equipment;
  - 6) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;
  - 7) Incidental on-site retail sales only.
2. Minor home businesses qualifying under this subsection shall be reviewed using a Type I process as specified in Section 40.510.010, except as specified in Subsection (F)(3) below. Should an operator of a minor home business expand operations in a manner that exceeds any of the performance standards in Subsection (F)(1), the operator shall obtain a major home business permit.
  3. Minor home businesses on a private road shall be reviewed using a Type II process to ensure that safety and maintenance impacts are adequately mitigated, unless evidence of mitigation of home business impacts on the private road through a neighbors agreement is provided at the time of application. For purposes of the agreement, 'neighbors' shall include all who are entitled to use the private road. Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, and road maintenance.
  4. There is no minimum lot size for minor home businesses.
  5. All structures used in home businesses shall be legally permitted at the time of receipt of a home business permit.

#### **G. Home Businesses—Major.**

1. Home businesses that meet the standards in Subsection (D) and the following standards shall qualify as major home businesses:
  - a. In urban areas:
    - 1) Use of up to 900 square feet of an accessory structure;
    - 2) Maximum of three non-resident employees, with one additional parking space on-site for each non-resident employee;
    - 3) Customers: up to twelve (12) on-site customers per day;
    - 4) No outside storage;
    - 5) No heavy equipment; no more than three business-related vehicles;
    - 6) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;
    - 7) Incidental on-site retail sales only;
    - 8) Minimum lot size: 10,000 square feet.
  - b. In rural areas:
    - 1) Accessory structures: see Table 40.260.100-1;
    - 2) Employees: see Table 40.260.100-1, with one additional parking space for each

- 1 non-resident employee;
- 2 3) Customers: up to twelve (12) on-site customers per day;
- 3 4) Outside storage: see Table 40.260.100-1;
- 4 5) Vehicles/heavy equipment: see Table 40.260.100-1;
- 5 6) Activity area: All outside activity must be located in a defined activity area that is
- 6 visually screened from adjacent residences either by existing vegetation, terrain, or
- 7 sight obscuring landscape/screening methods to at least an L3 standard as
- 8 established in Section 40.320.010, and that is set back a minimum of fifty (50) feet
- 9 from any property line. Except where terrain provides a sight-obscuring barrier,
- 10 landscaping and screening shall be located on the subject property. Required
- 11 landscaping and screening shall be the responsibility of the resident business owner.
- 12 7) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;
- 13 8) Incidental retail sales only;
- 14 9) Minimum lot size: 2.5 acres.
- 15
- 16 2. Subject to Section 40.520.020, major home businesses qualifying under this subsection
- 17 shall be reviewed using a Type II process as specified in Section 40.510.020,
- 18 demonstrating that the proposal complies with all development and performance criteria
- 19 in this section.
- 20
- 21 3. Applications for major home businesses on a private road shall include evidence that
- 22 safety and maintenance impacts are adequately mitigated. Impacts to be addressed shall
- 23 include, but are not limited to: dust, noise, trip generation, and road safety and
- 24 maintenance.
- 25
- 26 4. New rural home businesses that include facilities for servicing motor vehicles are
- 27 considered major, and shall meet the following standards:
- 28 a. An activity area of no more than 2 percent of the parcel and landscaped and screened
- 29 to an L3 standard (see Section 40.320.010);
- 30 b. A maximum accessory structure size of 1500 square feet; and
- 31 c. Compliance with all building, fire, and environmental code regulations.
- 32
- 33 5. All structures used in home businesses shall be legally permitted at the time of receipt of a
- 34 home business permit.
- 35
- 36

#### 37 **H. Existing Home Businesses**

- 38 1. Home businesses in operation as of June 15, 2004 are considered existing businesses and
- 39 will be allowed in accordance with the provisions of this subsection.
- 40 a. Home business permits are property-specific, personal to the original applicant and
- 41 are not transferable.
- 42 b. Proof of existing business status must include evidence of compliance with applicable
- 43 state licensing, registration, and taxing regulations.
- 44 c. Existing home businesses are subject to the following in lieu of the standards in
- 45 Subsections (F) and (G).

2. A home business that was established on or before January 1, (2001) and has been in continuous operation since then may continue to operate under the following conditions:
  - a. The county receives a fully complete application for a Type I home business permit pursuant to Section 40.510.010 by June 15, 2005, unless exempt under Subsection (E). Home businesses on a private road shall be reviewed using a Type II process to ensure that safety and maintenance impacts are adequately mitigated, unless evidence of mitigation of home business impacts on the private road through a neighbors agreement is provided at the time of application. For purposes of the agreement, 'neighbors' shall include all who are entitled to use the private road. Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, and road safety and maintenance.
  - b. For a rural home business, the business meets the following:
    - 1) the requirements of subsections (D)(1), (D)(4), (D)(5), (D)(6), and (I);
    - 2) an L3 landscaping/screening standard for the activity area (see Section 40.320.010);
    - 3) storage of heavy equipment and material outside only within the activity area; and
    - 4) the business building footprints and activity area remain the size existing on June 15, 2004, unless any increase complies with the standards for new home businesses in this section.
  - c. For an urban home business, the business meets the following:
    - 1) the requirements of subsections D(1), (D)(4), (D)(5), and (I);
    - 2) No more than ten percent (10%) of the parcel is used as an activity area landscaped or screened to an L3 standard (see Section 40.320.010);
    - 3) Storage of heavy equipment and material outside only within the activity area; and
    - 4) the business building footprints and activity area remain the size existing on June 15, 2004, unless any increase complies with the standards for new home businesses in this section.
  - d. The business complies with any applicable requirements of the permit by June 15, 2006.
  - e. Issuance of a permit under this subsection does not excuse violations of applicable construction codes.
3. A home business that was established after January 1, (2001) and that has been in continuous operation prior to June 15, 2004 is required to meet the standards for new home businesses by June 15, 2005.

#### **I. Performance Standards.**

1. Home-based businesses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24 Nuisances, and with the following standards:
  - a. Noise: Home businesses shall comply with state maximum environmental noise levels as defined in WAC Chapter 173-60.
  - b. Odors, lighting, glare, dust, smoke and vibration: Home businesses shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.

- 1 c. Electromagnetic radiation and line fluctuation: Any business activities or use of  
2 equipment that creates visible or audible interference in radio or television receivers  
3 or fluctuations in line voltage at or beyond the property line is prohibited.  
4
- 5 2. Any use of hazardous material or disposal of hazardous waste by home-based businesses  
6 shall comply with all applicable federal, state and local regulations. Home businesses shall  
7 not discharge any liquids or gases in violation of any federal, state or county regulations,  
8 including such discharges into private septic systems.  
9
- 10 3. A home business permit shall be revoked pursuant to Chapter 32.12 should either of the  
11 following occur:  
12 a. An applicant/operator re-locates his or her residence.  
13 b. The county finds that a home business has failed to comply with the general  
14 provisions and standards of this section or with the performance standards required by  
15 the permit.

**TABLE 40.260.100-1. RURAL MAJOR HOME BUSINESS REQUIREMENTS**

Lot size (acres) <sup>1</sup>	≥ 2.5 & < 5	≥ 5 & < 7.5	≥ 7.5 & < 10	≥ 10 & < 15	≥ 15 & < 20	≥ 20
Maximum allowable use of accessory structures (sq. ft.) <sup>2</sup>	2,500	3,000	3,500	4,000	4,500	5,000
Maximum number of non-resident employees <sup>3</sup>	4	4	4	6	6	6
Maximum activity area <sup>4</sup>	2% of parcel size	2% of parcel size	2% of parcel size	2% of parcel size	2% of parcel size	2% of parcel size
Maximum number of vehicles	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>
Maximum number of trailers	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>
Maximum number of pieces of heavy equipment	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>	No limit <sup>5</sup>
Maximum number of trips per day (roundtrips)	6	8	10	12	12	14

Footnotes:

<sup>1</sup> Parcels in contiguous ownership may not be added together for purposes of determining parcel size.

<sup>2</sup> 'Accessory structure' is defined in Section 40.100.070, and does not include an attached garage.

<sup>3</sup> Includes contract employees and full-time employee equivalents.

<sup>4</sup> As defined in Subsection 40. 260.100(C)(4).

<sup>5</sup> Must be kept within the landscaped/screened activity area.